

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHNATHON GREGORY EDWIN  
JAITE, individually and on behalf of his  
minor children,

Petitioners,

v.

BENTON COUNTY, WASHINGTON *et*  
*al.*,

Respondents.

No. 4:16-cv-05054-SAB

**ORDER DENYING PETITION  
FOR WRIT OF HABEAS  
CORPUS**

Before the Court is Petition for Writ of Habeas Corpus. ECF No. 1.  
Petitioner is a father seeking the return of his minor children. The Petition has not  
been served on Respondents.

The petition must be denied for at least three reasons. First, this Court lacks  
jurisdiction to hear a petition for a writ of habeas corpus for the return of  
Petitioner's children under either 28 U.S.C. § 2241 or § 2254. *Lehman v. Lycoming*  
*County Children's Services Agency*, 458 U.S. 502, 516 (1982). Second, it is well-  
established that federal courts should generally abstain from exercising jurisdiction

1 in domestic disputes. *See Ohio ex rel. Popovici v. Agler*, 280 U.S. 378, 383 (1930)  
2 (explaining domestic relations, including between parents and children, are left to  
3 the states); *Peterson v. Babbitt*, 708 F.2d 465, 466 (9<sup>th</sup> Cir. 1983) (per curiam)  
4 (explaining decisions regarding the welfare of children are traditionally left to the  
5 states). Third, it does not appear that the children are in custody of the state,  
6 therefore, even if this Court could otherwise issue a court order, a writ of habeas  
7 corpus under § 2254 would not be the correct vehicle.

8 Accordingly, **IT IS HEREBY ORDERED:**

- 9 1. Petitioner's Petition for Writ of Habeas Corpus, ECF No. 1, is  
10 **DISMISSED.**  
11 2. The Court declines to issue a certificate of appealability. Petitioner may  
12 still request a certificate of appealability from the Ninth Circuit Court of  
13 Appeals pursuant to Federal Rule of Appellate Procedure 22(b) and Local  
14 Ninth Circuit Rule 22-1.  
15 3. Any pending hearings and other deadlines are **stricken.**  
16 4. This file shall be **closed** and **judgment entered** for Respondent.

17 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
18 file this Order, provide copies to counsel, and **close** the file.

19 **DATED** this 22nd day of April 2016.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

25 Stanley A. Bastian  
26 United States District Judge  
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